

VZCZCXRO5925  
OO RUEHIK RUEHPW RUEHYG  
DE RUEHBUL #0350/01 0431317  
ZNR UUUUU ZZH  
O 121317Z FEB 08  
FM AMEMBASSY KABUL  
TO RUEHC/SECSTATE WASHDC IMMEDIATE 2795  
INFO RUCNAFG/AFGHANISTAN COLLECTIVE PRIORITY  
RHEHAAA/NATIONAL SECURITY COUNCIL WASHINGTON DC PRIORITY  
RUEAIIA/CIA WASHINGTON DC PRIORITY  
RHEFDIA/DIA WASHINGTON DC PRIORITY  
RUEKJCS/OSD WASHINGTON DC PRIORITY  
RUEKJCS/SECDEF WASHINGTON DC PRIORITY  
RUEKJCS/JOINT STAFF WASHINGTON DC PRIORITY  
RHMFIUU/HQ USCENTCOM MACDILL AFB FL PRIORITY

UNCLAS SECTION 01 OF 02 KABUL 000350

SIPDIS

SENSITIVE  
SIPDIS

STATE FOR SCA/FO, SCA/A, S/CRS  
STATE PASS TO USAID FOR AID/ANE, AID/DCHA/DG  
NSC FOR JWOOD  
OSD FOR SHIVERS  
CG CJTF-82, POLAD, JICCENT

E.O. 12958: N/A  
TAGS: [EAID](#) [KDEM](#) [PGOV](#) [AF](#)  
SUBJECT: THREE BRANCHES OF GOVERNMENT DEBATE ELECTION  
CALENDAR AND LAW

REF: A. KABUL 130  
[1](#)B. KABUL 243

Summary  
-----

[1](#)1. (SBU) The law and calendar for the 2009/10 elections have erupted onto the top tier of the Afghan political agenda in the past week following debates in both houses of parliament and a flurry of meetings involving the three branches of government. President Karzai privately convened influential members of parliament to lobby for consolidated elections based on the voting system used in the 2004/5 elections. The leadership of both houses of parliament have seized the initiative to stake out a position based on claimed public support for introducing an element of proportional representation into the election law. Parliamentarians sympathetic to the opposition United Front's position favoring a figurehead (Pashtun) president linked to a (Tajik) prime minister seem to be using the Palace's press for consolidated elections as a pretext for demanding a Loya Jirga to ask for a revision of presidential powers. Karzai is scrambling to regain the initiative and has convoked international community representatives to discuss what they will support.

President Lobbies for Consolidated Elections  
-----

[1](#)2. (SBU) On February 3, President Karzai convened a meeting of influential former mujahideen leaders and members of parliament to broker a political agreement on when to hold presidential, parliamentary, and provincial council elections in the 2009/10 time-frame. The meeting reportedly included lower house speaker Mohammed Yunus Qanooni, upper house deputy speaker Hamid Gailani, Ustad Abdurab Rassoul Sayyaf, and Haji Mohammad Mohaqeq. Karzai reportedly pressed the members of parliament to support consolidated elections based on the single non-transferable voting (SNTV) system used in the 2004/5 elections.

Parliament Proposes Amending the Constitution  
-----

13. (SBU) Speaker Qanooni briefed the February 9 session of parliament on the meeting with President Karzai. He said that President Karzai advocated consolidated elections to honor requests from the international community to minimize costs. Qanooni voiced concerns about the constitutionality of consolidated elections. He said that Sayyaf and Mohaqeq also oppose consolidated elections, but others reported that they differed on details. Chief Justice Azimi suggested that the constitution does not forbid members of parliament from leaving office one year prior to the completion of their terms, permitting elections in the fall of 2009. (MPs are unlikely to accept this solution. One idea may be to pay their salaries through the end of their terms if they leave office early.) Qanooni reassured members that elections timing would be decided by the entire parliament, not just the leadership, but framed the question as a contest between executive and legislative prerogatives. Qanooni suggested that the lower house begin its debate on February 13. That same day legislative committee chair Saleh Mohammad Registani plans to publish a survey of public opinion, reportedly showing public support for separate elections and proportional representation.

14. (SBU) On February 10, an unusually proactive upper house of parliament discussed the election calendar. Newly re-elected first deputy speaker Hamid Gailani spearheaded the debate, advocating a Loya Jirga to discuss election timing and to alter the constitution to accommodate simultaneous elections. Other senators interviewed by local media discussed the need to "amend other articles of the constitution." Gailani and deputy secretary Hossaini subsequently confirmed that a small group of senators is interested in reconsidering articles 60 and 159 of the

KABUL 00000350 002 OF 002

constitution, establishing respectively the office of the president and the dates for presidential and parliamentary elections. (Gailani's prominent role suggests that rumors about his presidential aspirations are well founded and that he may be talking to the United Front about their idea of a figurehead Pashtun president linked to a Tajik prime minister, changes that would require constitutional amendments.)

Karzai Looks for Cover from Donors

15. (SBU) On February 5, President Karzai's Chief of Policy, Sebghatullah Sanjar, described the February 3 meeting as fruitless. Sanjar advocated consolidated elections in the fall of 2009. He urged international community leaders to declare that elections would be combined and fix a date to break the stalemate, saying Afghans would follow donors' lead. Afghan politicians should make use of donor funds to seek permanent solutions to their electoral problems: "build a bridge to the future, not just throw a brick in the river."

16. (SBU) Sanjar confided that Karzai's positions on the election calendar and law also reflect political expedience. Karzai calculates that consolidated elections will tax the ability of the opposition United Front leaders to manage presidential and parliamentary campaigns simultaneously, resulting in losses of parliamentary seats for the opposition. He fears that proportional representation would favor the United Front and other established parties that developed out of the former warring factions at the expense of newer, more reform-minded groups.

17. (SBU) On February 11, President Karzai invited senior ministers and international community officials for a discussion on February 13 of whether elections should be held together or separately. He may plan to use concern to minimize election costs voiced by some members of the international community to bolster his position for consolidated elections in the emerging battle of wills with

parliament.

#### Politics Will Decide

18. (SBU) The debate over the election calendar and law remain cloaked in discussions of constitutional integrity and elections best practices, but the positions are based on politics and personal ambition. Qanooni believes rightly that mixed PR would favor the United Front, and Karzai believes SNTV would put it at a disadvantage. Similarly, Qanooni believes separate elections would allow him to run for president and parliament, but Karzai seeks to combine elections to hinder the United Front and Qanooni's own ambitions. Qanooni also calculates that insisting on a strict reading of the constitution -- which is vague on the issue of election timing -- will force Karzai to either abandon consolidated elections or force a constitutional Loya Jirga, which would expose the constitution to more sweeping changes favored by the United Front. Qanooni has little reason to budge. The United Front will cloak its position in unsubstantiated claims of public support, while President Karzai tries to remain blameless by getting the international community to constrain the scope of options.

19. (SBU) The process is underway and the stakes are high. The calls for re-opening the constitution are an especially worrisome reminder of the fragility of the current constitutional order underpinning the regime and our own engagement in Afghanistan.

WOOD